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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,772	11/05/2001	John I. Garney	42390P11617	5851

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EXAMINER

PEYTON, TAMMARA R

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 05/07/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No.

09/992,772

Applicant(s)

GARNEY ET AL.

Examiner

Tammara R Peyton

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**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9,11-15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,11-15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10,12. 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 6, 7, 9, 12, 13, 15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by *Pritty et al.*, (US 4,819,229)

As per claims 1, 7, and 13, *Howard* teaches a method for making changes to an active schedule (by either executing or interrupting the current transaction) being processed by a host controller (22, Fig.3) coupled to an agent (Node 2, Fig. 4) the method comprising:

- examining a transaction descriptor (data packet, Fig.2b)
- determining a current state for a transaction based on the transaction descriptor; and (col. 7, lines 9-15)
- preventing the transaction from starting if the current state indicates the transaction has not already started; and
- allowing the transaction to complete if the current state indicates the transaction has already started. (col. 6, lines 42-col. 7, 16-44)

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Pritty teaches a system that determines if a current transaction scheduled to be performed should or should not be prevented from starting. *Pritty* teaches an interrupt node priority control system used in a LAN token passing system, wherein a node with the highest priority message will receive the token. Specifically, if a first node has the token the first node will transmit a message. However, if a second node with a higher priority message is received, two things must be checked before the first node's message transmission is interrupted. First, it is determined if the first node's message transmission has already started transmitting, if not then the first node's message is interrupted in favor of the higher priority second node's message. Upon completion of the second node's message transmission the token is returned to the first node. However, if it is determined that the first node's message transmission has already started transmitting a specific amount of data then the first node's message transmission is allowed to complete before the token is passed to the second node.

As per claims 3, 9, and 15, *Pritty* teaches marking the transaction descriptor as inactive if another message with a higher priority is reached.

As per claim 6, 12, and 18, *Pritty* teaches wherein the transaction descriptor includes a queue (packet) head, which is updated once the transaction is completed.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 8, 11, 14, and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Pritty et al.*, (US 4,819,229)

As per claims 2, 8, and 14, *Pritty* does not clearly teach wherein the transaction descriptor includes a control bit to retain information related to a change in the active schedule. However, *Pritty* teaches data packets including a status bit and priority bits that determine whether or not a scheduled transmission can or cannot be performed based on the status and priority bits. Therefore, it would have been obvious to one of ordinary skill that the system would somewhat kept track (control bit) of all interrupted message transmission in order to rescheduled them upon completed of the higher priority message transmissions.

As per claim 5, 11, and 17, *Pritty* does not teach wherein the transaction is a split transaction. However, *Pritty* would have been motivated to implement split transactions in order to add flexibility to the system by allowing the system to engage in other system functions.

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Conclusion

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(703) 872-9306

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor

(Receptionist).


Tammara Peyton

April 30, 2004